

## REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above amendments. Claims 1-18 remain pending in the case. Claims 1-18 are rejected. Claim 1 is amended herein. No new matter has been added.

### 35 U.S.C. §112, second paragraph

Claims 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 1 herein to remove the phrase of “communication comprised of a queue comprised of recorded audio segments, the method comprising for each telephone interface...” Therefore, Applicant respectfully asserts that a discussion of the rejection of Claim 1 under 35 U.S.C. § 112, second paragraph, is moot.

### 35 U.S.C. §102(b)

Claims 1-18 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 5,721,827 by Logan et al., hereinafter referred to as the “Logan” reference. Applicant has reviewed the cited reference and respectfully submits that the embodiments of the present invention as recited in Claims 1-18 are not anticipated by Logan in view of the following rationale.

Applicant respectfully directs the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method of serializing an asynchronous communication over a plurality of telephone interfaces using a computer system, wherein the method comprises:

- playing recorded audio segments in the queue in a predetermined order using the computer system;

- maintaining a current position in the queue responsive to the playing using the computer system,

- supporting receipt of a request to record an audio segment for inclusion in the asynchronous communication using the computer system, and

- responsive to the request recording the audio segment, adding the audio segment to the queue, and resuming the playing at the current position.

Independent Claim 16 recites similar limitations. Claims 2-15 that depend from independent Claim 1 and Claims 17 and 18 that depend from independent Claim 16 provide further recitations of the features of the present invention.

Logan and the claimed invention are very different. Applicant understands Logan to teach an audio program and message distribution system for transmitting program segments to client subscribers (Abstract). The playback unit reproduces the program segments received from a host system (Abstract). In particular, Logan does not teach, describe or suggest that the playback unit is a telephone-like device. Moreover, the playback unit is not a telephone interface, and does not include any telephone functionality.

With reference to Figure 1 of Logan, audio player device 103 is shown. Audio player device 103 receives communication from host computer 101 over

communication link 117. Applicant understands that communication link 117 may be implemented in many ways, including dial up telephone facilities, cellular radio, cable modem, and satellite links (col. 6, lines 10-44). However, Applicant respectfully asserts that audio player device 103 does not provide a telephone interface. In particular, Logan does not teach, describe or suggest that audio player device 103 provides a telephone interface. Specifically, Logan does not teach, describe or suggest that audio player device 103 provides an telephone functionality. Accordingly, Applicant respectfully asserts that Logan does not teach, describe or suggest a telephone interface, as claimed.

In contrast, embodiments of the claimed invention are directed towards “[a] method of serializing an asynchronous communication over a plurality of telephone interfaces using a computer system” (emphasis added). In particular, a telephone interface as claimed refers to a telephone that supports voice communication and discussion (see [0009]; [0011]; [0022]; etc.) A telephone interface allows for a user to access a voice portal by dialing a telephone number. As described in the present specification, a telephone “may be a land line phone, a PBX phone, a satellite phone, a wireless telephone, and/or any other type of communication device capable of providing voice communication and/or touch-tone signals over telephone network 204” ([0027]).

Applicant respectfully asserts that Logan in particular does not teach, disclose, or suggest a "telephone interface" as claimed. In contrast, Logan teaches an audio player device that does not provide any telephone functionality.

Therefore, Applicant respectfully asserts that nowhere does Logan teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claims 1 and 16, that these claims overcome the rejection under 35 U.S.C. § 102(b), and that these claims are thus in a condition for allowance.

Therefore, Applicant respectfully submits that Logan also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-15 that depend from independent Claim 1 and Claims 17 and 18 that depend on independent Claim 16. Therefore, Applicant respectfully submits that Claims 2-15, 17 and 18 also overcome the rejection under 35 U.S.C. § 102(b), and are in a condition for allowance as being dependent on an allowable base claim.

#### CONCLUSION

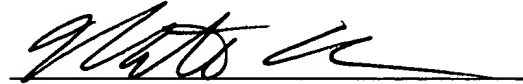
In light of the above remarks, Applicant respectfully requests reconsideration of the rejected claims. Based on the arguments presented above, Applicant respectfully asserts that Claims 1-18 overcome the rejections of record and, therefore, Applicant respectfully solicits allowance of these Claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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